

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.708 OF 2006

Balasaheb Krishnath Kandalgaonkar.. Petitioner

versus

The Charity Commissioner, Solapur
& ors

.. Respondents

Mr.S.B.Thorat for Petitioner

Mr.A.H.,Palekar, Assistant Government Pleader
for respondent no. 1Mr.G.S.Godbole i/b Mr.Anand Kulkarni for respondent
nos.3,4,7 and 10**CORAM : D.G.KARNIK, J****DATED : 28th February, 2006**

P.C.

1. This Writ Petition is directed against an order dated 14th December, 2005 passed by the 2nd Additional District Judge, Solapur in Misc. Appeal No.323 of 2004.

2. Civil Misc.Appeal No.323 of 2004 was filed by the respondents challenging the order of the Assistant Charity Commissioner framing a scheme under section 50A of the Bombay Public Trust Act. An application for stay of the order of the Assistant Charity Commissioner was filed in appeal. The appeal has been admitted. The

learned Additional District Judge has exercised the discretion to grant stay of the order which is impugned in the appeal before him. The exercise of the discretion is not perverse. In the circumstances, no interference is called for in the interlocutory order passed by the appellate Court. Hence, the Writ Petition is rejected. Learned counsel for the petitioner prays that hearing of the appeal be expedited. The petitioner is free to make such a request to the District Court who would consider it appropriately on its own merits.

(D.G.KARNIK, J)

rng.